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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,795	06/15/2001	Yves Louis Gabriel Audebert	L741.01104	6672

7590

11/25/2005

STEVENS, DAVIS, MILLER & MOSHER, LLP  
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Washington, DC 20036

EXAMINER

SON, LINH L D

ART UNIT PAPER NUMBER

2135

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/880,795	Applicant(s) AUDEBERT ET AL.	
	Examiner Linh LD Son	Art Unit 2135	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: 40-71.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See the attchement.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 9/05, 10/05  
13. ☐ Other: \_\_\_\_\_.

## **Response to Arguments**

1. Applicant's arguments filed 10/27/05 have been fully considered but they are not persuasive.
2. As per remark on page 13-14, Applicant summarized the Sigaud's invention and mapped the devices in the Claimed invention with Sigaud's. On page 14 of the remark, the Applicant listed a few limitations that is argued not disclose in Sigaud's. Examiner addresses the traverse as follow. On page 13 last paragraph, Applicant incorrectly mapped the claimed "Intelligent device" to Sigaud's "reader 21". In Sigaud's invention, Figure 1 describes clearly the different apparatuses in the invention. To map correctly, the "local client" is the computer station 1. The "authentication server" is the server 1 or labeled as 31. The "intelligent portable device" is the terminal 2, which can be a mobile, or portable computer (Col 3 lines 10-15). The "personal security device (PSD)" is the smart card connected to the terminal 2 (Col 3 lines 30-34). The terminal 2 is connected to the network using numerous protocols, (i.e. TCP/IP, FTP, Telnet, etc.) over different connections (Col 3 lines 15-30). The "predetermined authentication policy" is stored in the smart card and the authentication server (Col 3 lines 48-55, and Col 4 line 65 to Col 5 line 15). The "Activator" in the local client is the "Security Application Module (SAM)". SAM authenticates the identification of the cardholder (PSD) with the remote server 1 (Col 3 lines 45-52,

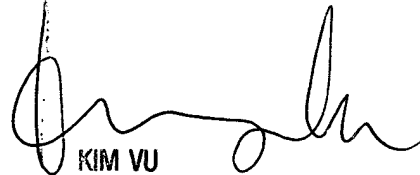
and Col 4 line 65 to Col 5 line 20) and allows the user to connect to a specific application if authenticated.

3. As per remark on page 14 last paragraph, Applicant admits, "Furthermore, Sigaud discloses that the predetermined authentication policy is functionally stored within the local client and the authentication server", which is contradicting with the argument above on page 14 where applicant argues that Sigaud's system is different than the invention.
4. As per remark on page 15 the second paragraph, the interpretation of the Applicant is not accurate based on the mapping clarification in Para 38 above. The PSD is connected to the terminal, which is the "Intelligent Portable Device". The "Intelligent Portable Device" connects to the local client 2 over the link 42. The local client 2 has an activator (SAM), which authenticates the identification of the cardholder from the PSD with the server for application access (See Col 3 lines 45-52, and Col 4 line 65 to Col 5 line 20).
5. As evidenced, Examiner traverses the Applicant's argument and maintains the rejection basis dated 07/27/05.

Art Unit: 2135

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son  
Examiner  
Art Unit 2135

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100